REMARKS/ARGUMENTS

The Applicant hereby thanks the Examiner for the observations in the outstanding Office Action and for withdrawing the rejection of the Claims, under 35 U.S.C. § 112, first paragraph. Responsive to the outstanding Office Action, the Applicant provides the foregoing amendments, notwithstanding the Applicant's belief that the claims would have been allowable as originally filed. Claims 1, 15, 16, 21, and 25 are herein amended to better encompass the present invention. The Applicant respectfully asserts that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). By way of the foregoing amendment, the Applicant has made a diligent effort to place the claims in condition for allowance and, alternatively, in condition for appeal. Thus, reconsideration of the Claims in view of the foregoing amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone Mr. Thomas F. Lebens at (805) 781-2865 so that such issues may be expeditiously resolved.

I. Rejection of Claims 1-6 and 8-15 under 35 U.S.C. § 103(a)

Claims 1-6 and 8-15 stand rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900), and in further view of Taniguchi (US 2003/0093810). The Applicant respectfully traverses this ground for rejection on this basis. Claims 1 and 15 are herein generally amended by better reciting the plurality of original in-and-out points in relation to the plurality of new in-and-out points of each segment as well as the provision of a plurality of in-and-out points in relation to their quantifiable significance of each segment.

With respect to the primary cited reference, Franken et al. merely discloses a system that rates "rerun programming in other than real time," storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28).

With respect to the secondary cited reference, Zilliacus merely discloses: "A method allows a user of a mobile terminal to participate in an interactive service relating to multimedia programming. A software application is stored in the mobile terminal. The software application is launched so that it is prepared to receive information concerning the interactive service from a server. Upon receipt of this information, the software application utilizes a stored user interface to prompt the user of the mobile terminal. The software application utilizes previous received information concerning the user so that when the information is received, the user interface prompting the user is provided automatically and without the need for user approval." Thus, the Zilliacus invention is actually a method for ranking programming by voting, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; Fig. 6; Para. 27).

With respect to the tertiary cited reference, Taniguchi merely discloses: "In a video data transmitting method of sending in real-time video data being externally inputted, when encoding video data being inputted as stream data, start and stop of an encoding process is repeated at a predetermined time interval to carry out a data dividing process whereby a plurality of time-continuous video data are generated as partial video data. Also, metadata of partial video data is generated, which is sent, together with the partial video data, in real-time as partial video metadata." (Abstract).

In contrast to the cited art, the present invention involves the following salient features, *inter alia*: "receiving at least one string of content, the at least one string of content receiving step comprising *streaming the at least one string of content in real-time* for viewing while being captured; separating each at least one string of content into a plurality of segments, *each segment of the plurality of segments having a corresponding plurality of original in-and-out points*; creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, *the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment*; ... receiving a vote on each segment of the plurality of

segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, *thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment*[.]"

As such, the Applicant respectfully submits that the cited art does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claims 1 and 15 of the present application:

> 1. A method of **interactively displaying and rating at least one string of content**, comprising:
>
> receiving at least one string of content, the at least one string of content receiving step comprising **streaming the at least one string of content in real-time** for viewing while being captured;
>
> **separating each at least one string of content into a plurality of segments, each segment of the plurality of segments having a corresponding plurality of original in-and-out points;**
>
> **creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment;**
>
> showing the at least one string of content on at least one display device;
>
> **receiving a vote on each segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment; and**
>
> **updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value.** [Emphasis added.]

> 15. A system for **interactively displaying and rating at least one string of content**, comprising:
>
> means for receiving at least one string of content, **the at least one string of content streaming in real-time** for viewing while being captured;
>
> **means for separating each at least one string of content into a plurality of segments, each segment of the plurality of segments having a corresponding plurality of original in-and-out points;**
>
> **means for creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment;**
>
> means for showing the at least one string of content on at least one display device;
>
> **means for receiving a vote on each segment of the plurality of segments of the at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, whereby a rating value is provided for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment; and**

> **means for updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value.** [Emphasis added.]

Consequently, Claims 2-6 and 8-14 subsume the foregoing limitations of their respective base claims by dependency. Thus, the Applicant respectfully submits that Claims 1-6 and 8-15 have not been taught, suggested, motivated, or otherwise obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the previous ground for rejection on this basis is withdrawn and that Claims 1-6 and 8-15 are passed to allowance in due course.

II. Rejection of Claims 7, 16, 17, 20-26, and 28 under 35 U.S.C. § 103(a)

Claims 7, 16, 17, 20-26, and 28 have been previously rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900), in view of Taniguchi (US 2003/0093810), and in further view of Peliotis (US 2002/0065678), in the October 29, 2008, Office Action. The Applicant respectfully traverses this ground for rejection on this basis. Claims 1, 16, 21, and 25 are herein generally amended by better reciting the plurality of original in-and-out points in relation to the plurality of new in-and-out points of each segment as well as the provision of a plurality of in-and-out points in relation to their quantifiable significance of each segment.

With respect to the primary cited reference, Franken et al. merely discloses a system that rates "rerun programming in other than real time," storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28).

With respect to the secondary cited reference, Zilliacus merely discloses: "A method allows a user of a mobile terminal to participate in an interactive service relating to multimedia programming. A software application is stored in the mobile terminal. The software application is launched so that it is prepared to receive information concerning the interactive service from a server. Upon receipt of this information, the software application utilizes a stored user interface to prompt the user of the mobile terminal. The software application utilizes previous received

information concerning the user so that when the information is received, the user interface prompting the user is provided automatically and without the need for user approval." Thus, the Zilliacus invention is actually a method for ranking programming by voting, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; Fig. 6; Para. 27).

With respect to the tertiary cited reference, Taniguchi merely discloses: "In a video data transmitting method of sending in real-time video data being externally inputted, when encoding video data being inputted as stream data, start and stop of an encoding process is repeated at a predetermined time interval to carry out a data dividing process whereby a plurality of time-continuous video data are generated as partial video data. Also, metadata of partial video data is generated, which is sent, together with the partial video data, in real-time as partial video metadata." (Abstract).

With respect to the quaternary cited reference, Peliotis merely discloses segmenting a video program by generating markers and tags to define each segment, but does not disclose or imply segmenting a video program and "establishing a quantifiable significance corresponding to the plurality of in-and-out points" by way of a "rating value" as a result of voter input within any given segment (Abstract; Fig. 1; Para. 23). Peliotis further discloses that the markers and tags are fed to the filter/comparator along with, but not as a result of, the user preferences (Fig. 2).

In contrast to the cited art, the present invention involves the following salient features, *inter alia*: "receiving at least one string of content, the at least one string of content receiving step comprising *streaming the at least one string of content in real-time* for viewing while being captured; separating each at least one string of content into a plurality of segments, *each segment of the plurality of segments having a corresponding plurality of original in-and-out points*; creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, *the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment*; ... receiving a vote on each segment of the plurality of

segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, *thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment*[.]"

As such, the Applicant respectfully submits that the cited art does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claims 1, 15, 16, 21, and 25 of the present application:

> 1. A method of **interactively displaying and rating at least one string of content**, comprising:
>
> receiving at least one string of content, the at least one string of content receiving step comprising **streaming the at least one string of content in real-time** for viewing while being captured;
>
> **separating each at least one string of content into a plurality of segments, each segment of the plurality of segments having a corresponding plurality of original in-and-out points;**
>
> **creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment;**
>
> showing the at least one string of content on at least one display device;
>
> **receiving a vote on each segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment; and**
>
> **updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value.** [Emphasis added.]

> 15. A system for **interactively displaying and rating at least one string of content**, comprising:
>
> means for receiving at least one string of content, **the at least one string of content streaming in real-time** for viewing while being captured;
>
> **means for separating each at least one string of content into a plurality of segments, each segment of the plurality of segments having a corresponding plurality of original in-and-out points;**
>
> **means for creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment;**
>
> means for showing the at least one string of content on at least one display device;
>
> **means for receiving a vote on each segment of the plurality of segments of the at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, whereby a rating value is provided for establishing a quantifiable significance corresponding to the plurality of in-and-out**

points of each segment; and

means for updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value. [Emphasis added.]

16. A method of **interactively displaying and rating at least one string of content,** comprising the steps of:

identifying at least one string of content, the at least one string of content identifying step comprising **streaming the at least one string of content in real-time** for viewing while being captured;

separating each at least one string of content into a plurality of segments, each segment of the plurality of segments having a corresponding plurality of original in-and-out points;

creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment;

showing the at least one string of content to a plurality of viewers;

receiving a vote on each segment of the plurality of segments of the at least one string of content from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment;

determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote; and

displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content. [Emphasis added.]

21. A device for **interactively displaying and rating at least one string of content,** comprising:

a content identification module for detecting at least one string of content and for separating the at least one string of content into a plurality of segments, each segment of the plurality of segments having a corresponding plurality of original in-and-out points, the at least one string of content streaming in real-time for viewing while being captured;

a storage module for storing the at least one string of content and a profile information, in a record, associated with each segment of the plurality of segments of the at least one string of content, the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment;

an interface module for receiving the at least one string of content and transmitting the at least one string of content based on the profile information corresponding to each segment of the plurality of segments of the at least one string of content; and

a content rating module for receiving a rating value from a viewer for each segment of the plurality of segments of the at least one string of content, whereby a rating value is provided for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment, and for updating the profile information associated with each segment of the plurality of segments of the at least one string of content, wherein the rating value reflects the quality of each segment of the plurality of segments of the at least one string of content. [Emphasis added.]

25. A computer-readable medium having computer-executable instructions for performing a method comprising:

identifying at least one string of content, the at least one string of content identifying step comprising **streaming the at least one string of content in real-time** for viewing while being

captured;

separating each at least one string of content into a plurality of segments, each segment of the plurality of segments having a corresponding plurality of original in-and-out points;

creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment;

showing the at least one string of content to a plurality of viewers;

receiving a vote on each segment of the plurality of segments of the at least one string of content from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment;

determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote for establishing the plurality of in-and-out points; and

displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content. [Emphasis added.]

Consequently, Claims 7, 17, 20, 22-24, 26, and 28 subsume the foregoing limitations of their respective base claims by dependency. Thus, the Applicant respectfully submits that Claims 7, 16, 17, 20-26, and 28 have not been taught, suggested, motivated, or obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the previous ground for rejection on this basis is withdrawn and that Claims 7, 16, 17, 20-26, and 28 are passed to allowance in due course.

III. Rejection of Claim 18 under 35 U.S.C. § 103(a)

Claims 7, 16, 17, 20-26, and 28 stand rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900), in view of Taniguchi (US 2003/0093810), and in further view of Peliotis (US 2002/0065678), and in further view of Lautzenheiser et al. (US 7054827), in the October 29, 2008, Office Action. The Applicant respectfully traverses this ground for rejection on this basis. Claim 16 is herein generally amended by better reciting the plurality of original in-and-out points in relation to the plurality of new in-and-out points of each segment as well as the provision of a plurality of in-and-out points in relation to their quantifiable significance of each segment.

With respect to the primary cited reference, Franken et al. merely discloses a system that rates "rerun programming in other than real time," storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually segment each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28).

With respect to the secondary cited reference, Zilliacus merely discloses: "A method allows a user of a mobile terminal to participate in an interactive service relating to multimedia programming. A software application is stored in the mobile terminal. The software application is launched so that it is prepared to receive information concerning the interactive service from a server. Upon receipt of this information, the software application utilizes a stored user interface to prompt the user of the mobile terminal. The software application utilizes previous received information concerning the user so that when the information is received, the user interface prompting the user is provided automatically and without the need for user approval." Thus, the Zilliacus invention is actually a method for ranking programming by voting, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; Fig. 6; Para. 27).

With respect to the tertiary cited reference, Taniguchi merely discloses: "In a video data transmitting method of sending in real-time video data being externally inputted, when encoding video data being inputted as stream data, start and stop of an encoding process is repeated at a predetermined time interval to carry out a data dividing process whereby a plurality of time-continuous video data are generated as partial video data. Also, metadata of partial video data is generated, which is sent, together with the partial video data, in real-time as partial video metadata." (Abstract).

With respect to the quaternary cited reference, Peliotis merely discloses segmenting a video program by generating markers and tags to define each segment, but does not disclose or imply segmenting a video program and "establishing a quantifiable significance corresponding to the plurality of in-and-out points" by way of a "rating value" as a result of voter input within any given segment (Abstract; Fig. 1; Para. 23). Peliotis further discloses that the markers and tags

are fed to the filter/comparator along with, but not as a result of, the user preferences (Fig. 2).

With respect to the quintenary cited reference, Lautzenheiser et al. merely discloses a method and apparatus for validating a survey database, but does not disclose or imply segmenting a video program by "establishing a quantifiable significance corresponding to the plurality of in-and-out points" by way of a "rating value" as a result of voter input within any given segment (Abstract; Figs. 41-46; Figs. 49-55; col. 29, l. 51 – col. 31, l. 7; col. 32, l. 61 – col. 34, l. 50).

In contrast to the cited art, the present invention involves the following salient features, *inter alia*: "receiving at least one string of content, the at least one string of content receiving step comprising *streaming the at least one string of content in real-time* for viewing while being captured; separating each at least one string of content into a plurality of segments, *each segment of the plurality of segments having a corresponding plurality of original in-and-out points*; creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, *the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment*; ... receiving a vote on each segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, *thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment*[.]"

As such, the Applicant respectfully submits that the cited art does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claim 16 and dependent Claim 18 of the present application:

> 16. A method of **interactively displaying and rating at least one string of content**, comprising the steps of:
>
> identifying at least one string of content, the at least one string of content identifying step comprising **streaming the at least one string of content in real-time** for viewing while being

captured;

separating each at least one string of content into a plurality of segments, each segment of the plurality of segments having a corresponding plurality of original in-and-out points;

creating profile information, in a record, associated with each segment of the plurality of segments of each at least one string of content, the record identifying a plurality of new in-and-out points within the plurality of original in-and-out points, thereby providing a plurality of in-and-out points within each segment;

showing the at least one string of content to a plurality of viewers;

receiving a vote on each segment of the plurality of segments of the at least one string of content from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points of each segment;

determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote; and

displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content. [Emphasis added.]

Consequently, Claim 18 subsumes the foregoing limitations of its base claim by dependency. Thus, the Applicant respectfully submits that Claim 18 has not been taught, suggested, motivated, or obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the previous ground for rejection of Claim 18 on this basis is withdrawn and that Claim 18 is passed to allowance in due course.

CONCLUSION

Accordingly, Claims 1, 15, 16, 21, and 25 have been herein amended to better encompass the present invention. The Applicant respectfully reasserts that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). By way of the foregoing amendment, the Applicant believes that the Claims are in condition for allowance and are, alternatively, in condition for appeal. Thus, reconsideration of the Claims in view of the foregoing amendment and remarks is respectfully requested. However, should any remaining issues be outstanding, the Applicant respectfully reiterates the invitation to telephone Mr. Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible. In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 06-1135 accordingly.

Respectfully submitted,

Dated: 1/27/2010

May Lin DeHaan
Reg. No. 42,472
Attorney for Applicant

Address all correspondence to:
Thomas F. Lebens
FITCH, EVEN, TABIN & FLANNERY, LLP
120 South LaSalle, Suite 1600
Chicago, IL 60603

Direct telephone inquiries to:
Thomas F. Lebens
(805) 781-2865